

# REGULATION

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| <b>SPDOC No.:</b><br><br>06-18   | <b>Effective Date:</b><br><br>November 19, 2006   | <b>Index Reference:</b><br><br>Appointments<br>Job Changes<br>Transitional Positions | <b>Regulation Number:</b><br><br><b>3.14</b>   |
| <b>Issuing Bureau:</b><br><br>Human Resource<br>Services                           | <b>Rule Reference:</b><br><br>Rules: 3-3 (Appointments and Job Changes)<br>3-5 (Relation to Collective Bargaining)<br>3-6 (Probation and Status)<br>3-7 (Revocation of Appointment) |  | <b>Replaces:</b><br><br>NEW<br>(replaces portions of<br>Reg. 4.03,<br>SPDOC 04-14,<br>July 18, 2004) |
| <b>Subject:</b><br><b>STATE TRANSITIONAL POSITION DESIGNATION AND APPOINTMENTS</b> |   |  |  |

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## **1. PURPOSE**

This regulation provides the standards and procedures for designating an existing position classified as a business and administrative technician, professional, or manager as transitional. These positions may be used to facilitate the movement of career state employees to new classifications while maintaining the employees' employment preference rights and current pay rates if the rate of pay is less than or equal to the maximum of the classification level to which the employee will be reclassified upon completion of the transition period. After the employee's

successful completion of the transition period, the transitional designation is removed from the position.

## **2. CIVIL SERVICE COMMISSION RULE REFERENCE**

### ***Rule 3-3 Appointments and Job Changes***

#### ***3-3.1 Process***

*All appointments, promotions, and job changes in the classified service must be made in accordance with the civil service rules and regulations. Any person appointed or promoted must be certified as qualified in accordance with and subject to the civil service rules and regulations. The state personnel director shall administer the certification of all appointments and promotions.*

*\* \* \**

#### ***3-3.5 Lateral Job Change or Voluntary Demotion between Departments***

*Any two appointing authorities may authorize a lateral job change or voluntary demotion for an employee between departments or autonomous entities. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change or voluntary demotion between departments or autonomous entities requires the agreement of the employee and the approval of the department of civil service.*

#### ***3-3.6 Lateral Job Change or Voluntary Demotion within a Department***

*An appointing authority may authorize a lateral job change or voluntary demotion for an employee within the employee's current department or autonomous entity. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change within a department or autonomous entity does not require the agreement of the employee. However, an employee may request a lateral job change. A voluntary demotion requires the written agreement of the employee.*

*\* \* \**

### ***Rule 3-5 Relation to Collective Bargaining***

*An appointing authority shall make all appointments in accordance with the civil service rules and regulations, unless a provision in a collective bargaining agreement regarding reassignment, transfer, layoff, or recall permitted by rule 3-4 [Class Clusters] or rule 6-3 [Commission Authority] provides otherwise.*

**Rule 3-6 Probation and Status****3-6.1 Probationary Period**

\* \* \*

- (b) **Employee with status.** *An employee with status who is appointed to a new classification must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary rating as provided in rule 2-3 [Performance Ratings] as a condition of continued appointment in that position.*

\* \* \*

**3-6.2 Length of Probationary Period**

- (a) **Minimum length.** *The minimum length of a probationary period is 12 calendar months of full-time employment or 18 calendar months of less than full-time employment.*
- (b) **Extension of probationary period.** *If the department of civil service or the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been unsatisfactory, the department or the appointing authority may extend the probationary period for an employee. Any extension beyond an additional 6 calendar months requires the approval of the state personnel director. The department or appointing authority shall give written notice of the extension of the probationary period to the employee.*
- (c) **Leave without pay during probationary period.** *If a probationary employee is placed on a leave of absence without pay or on extended sick leave, the period of the leave of absence does not count toward completing the probationary period and the length of the probationary period is automatically extended for an additional period equal to the length of the employee's absence.*

\* \* \*

**Rule 3-7 Revocation of Appointment****3-7.1 Review of Appointments**

*Every appointment in the classified service is expressly subject to review by the department of civil service. If the department determines that an appointment violated a civil service rule or regulation, the department may order corrective action, including revocation of the appointment.*

**3-7.2 Methods of Review**

*The department of civil service may review any appointment as part of the department's audit function or as the result of a technical appointment complaint.*

**(a) Audit review.**

- (1) **Revocation of appointment.** *If the department of civil service audits an appointment and determines that the selection,*

*appointment, or certification violated a civil service rule or regulation, the department may order corrective action, including revocation of the appointment. The department shall give written notice of the revocation to the appointing authority and the employee whose appointment is revoked.*

- (2) ***Subsequent technical complaint.*** *An employee whose appointment is revoked, or the employee's appointing authority, may file a technical appointment complaint regarding a staff revocation order within 14 calendar days after the date the revocation order was issued. If a timely technical appointment complaint is filed, the revocation order is automatically stayed pending a decision or further order of the technical review officer.*

### **3-7.3 Effect of Revocation of Appointment**

*When the department of civil service or a technical review officer revokes an appointment, the employment status of the employee whose appointment is revoked is determined as follows:*

- (a) ***Employee with continuing status.*** *If the employee had continuing status at the time of the appointment, the employee is to be retained in a position within the principal department or autonomous agency that appointed the employee at a classification and level in which the employee had continuing status at the time of the appointment. If no such position is available within the department or agency at the time of the revocation, the employee may exercise employment preference.*
- (b) ***Employee without continuing status.*** *If the employee had no continuing status in the classified service at the time of the appointment, the appointing authority shall separate the employee from state employment, unless the employee has otherwise been properly appointed to another position.*

## **3. DEFINITIONS**

### **A. Definition as Used in This Regulation**

1. ***Promotion*** means the appointment of an employee to a different position at a higher classification level wherein the maximum rate of pay of the new classification level is higher than the maximum rate of the former classification level, unless there is a de minimus difference between the maximum rates of pay.
2. ***State Transitional Position (STP)*** means a position that is designated as transitional to protect an employee's pay. All such positions are indicated in the Human Resources Management Network (HRMN) as "STP" in the position description. The designation is added to the position prior to appointment and removed after the employee's successful completion of the experience requirements.

## **4. STANDARDS**

### **A. General Requirements.**

The transitional designation of an existing business and administrative technician, professional, or managerial position facilitates career movement of employees with status and specific education or experience to new careers. Transitional designation of a position is not appropriate if the movement of the employee results in a promotion.

1. Transitional designation of an existing business and administrative technician, professional, or managerial position may be requested only in the absence of recall names for the classification of the position intended to be filled.
2. Transitional designation of an existing business and administrative technician, professional, or managerial position may be requested when the appointment to the position would result in reduction of compensation because the prospective employee does not possess the required experience for the level in the classification series.
3. The appointing authority must submit a Position Action Request form (CS-129) to the Department of Civil Service and identify the business and administrative technician, professional, or managerial position to be designated as transitional.
4. If the transitional designation is used to facilitate the movement of an employee to a position at the advanced level, position-specific or universal advanced classification standards must be approved at the time of the employee's appointment.
5. The Department of Civil Service shall review the qualifications of the intended appointee prior to the appointment.
6. The transitional designation may be removed from the position after the employee's successful completion of the experience requirements in standards B, C, or D of this regulation. This requires Department of Civil Service review and approval and the appointing authority's certification that the employee (a) meets the minimum requirements, (b) is satisfactorily performing the duties and responsibilities of the classification or classification level, and (c) has a current satisfactory probationary, annual, or follow-up performance rating.
7. An employee with status who is appointed to a position designated as transitional at a new classification must satisfactorily complete a probationary period of 12 calendar months of full-time employment or 18 calendar months of less than full-time employment even if the transitional designation has been removed from the position.
8. Regulation 2.01 [Implementing a Reduction in Force for Nonexclusively Represented Employees], standard D., provides guidance for treatment of transitional positions in the event of a reduction in force (RIF).

9. Regulation 3.07 [Appointments and Job Changes], standard A., provides guidance for treatment of transitional positions in the event of recall.
10. Regulation 5.01 [General Salary Schedule Administration], standard L., establishes standards for salary upon appointment of the employee into a position designated as transitional. An employee's salary may be retained if the current rate of pay is less than or equal to the maximum of the classification level to which the employee will be classified upon completion of the transitional period.

**B. Transitional Business and Administrative Technician Position.**

1. To be eligible for appointment to a business and administrative technician position designated as transitional, an employee must meet the education and experience requirement for the entry level of the classification of the new job.
2. An employee appointed to a business and administrative technician position designated as transitional from a position classified at or above the 9 level in the Equitable Classification Plan (ECP) Group 1 may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period.

**C. Transitional Professional Position.**

1. To be eligible for appointment to a professional position designated as transitional, an employee must either (a) meet the education requirement for the new classification or (b) possess the alternate education and experience identified on the job specification. An employee classified in the Senior Executive Management Assistant Service (SEMAS) or an employee who attained status in a SEMAS-designated position qualifies for professional classifications in which the minimum education allows for a bachelor's degree in any major and no specific required experience. An employee not possessing a bachelor's degree who attained status in a professional classification qualifies for professional classifications in which the minimum education requires a bachelor's degree in any major and no specific required experience.
2. A master's or higher level degree or a recognized occupational license that is not required for the new classification and is directly related to the work may be substituted for six months of qualifying experience. This may be substituted if not used previously for any individual employee and only after the employee has served the equivalent of six months full-time experience in the transitional period.
3. An employee appointed to a professional 10-level (intermediate) position designated as transitional from a professional 10 through 12-level; SEMA 11, 13 or 15-level; or a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period. For purposes of crediting

experience for credential review purposes, six months of this experience is equivalent to six months at the 9 level.

4. An employee appointed to a professional P11-level (experienced) position designated as transitional from a professional P11 or 12-level; SEMA 11, 13 or 15-level; or a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of one year of full-time experience in the transitional period. For purposes of crediting experience for credential review, one year of this experience is equivalent to one year at the 10 level.
5. An employee appointed to a professional 12-level (advanced) position designated as transitional from a professional 12-level; SEMA 15-level; or a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of 18 months of full-time experience in the transitional period. For purposes of crediting experience for credential review, the first six months of this experience is equivalent to six months at the 10 level and the following 12 months of this experience is equivalent to one year at the P11 level.
6. An employee appointed to a professional 13-level specialist position designated as transitional from a SEMA 15-level or a professional specialist or managerial 13 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of two years of full-time experience in the transitional period. For purposes of crediting experience for credential review, the first 12 months of this experience is equivalent to one year at the P11 level and the next 12 months of this experience is equivalent to the 12 level.
7. An employee appointed to a professional 14-level specialist position designated as transitional from a professional specialist or managerial 14 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of two years of full-time experience in the transitional period. For purposes of crediting experience for credential review, the first 12 months of this experience is equivalent to one year at the P11 level and the next 12 months of this experience is equivalent to the 12 level.
8. An employee appointed to a professional 15-level specialist position designated as transitional from a professional specialist or managerial 15-level job classification may have the transitional designation removed after successful completion of the equivalent of two years of full-time experience in the transitional period. For purposes of crediting experience for credential review, the first 12 months of this experience is equivalent to one year at the P11 level and the next 12 months of this experience is equivalent to the 12 level.
9. An employee appointed to a professional position designated as transitional from a non-professional job classification may have the transitional designation removed after successful completion of the

experience requirements for the classification. If the removal of the transitional designation would result in a pay decrease, the employee remains in the transitional period for another year.

#### **D. Transitional Manager Position.**

1. To be eligible for appointment to a managerial position designated as transitional, an employee must be classified as a manager equal to the classification level and meet the education requirement of the new classification.
2. An employee appointed to a managerial position designated as transitional may have the transitional designation removed after successful completion of the equivalent of one year of full-time experience in the transitional period.

## **5. PROCEDURES**

### **A. Transitional Position Designation Request.**

| <b>Responsibility</b>       | <b>Action</b>  |
|-----------------------------|--|
| Appointing Authority        | 1. Submits a Position Action Request form (CS-129) to request designation of an existing business and administrative technician, professional, or managerial position as transitional. The form must include the position code, intended appointee name, identification number, necessary credential review information and Request for Credential Review form (CS-153), if necessary, proposed release date and any other information necessary to support the request. |
| Department of Civil Service | 2. Reviews request and verifies release date and credential review to ensure compliance with Civil Service regulations.<br>3. Enters necessary information in the Human Resources Management Network (HRMN), if approved.<br>4. Releases CS-129 form with proposed STP release date and credential review decision to the appointing authority.  |



| Responsibility (continued) | Action (continued)   |
|----------------------------|--|
| Appointing Authority       | <ol style="list-style-type: none"> <li>Receives the CS-129 form and verifies information in the HRMN.</li> <li>If standard C.2. is applied, must make note in the employee's HRMN record.</li> </ol> |

## **B. Removal of Transitional Position Designation.**

| Responsibility              | Action  |
|-----------------------------|---|
| Appointing Authority        | <ol style="list-style-type: none"> <li>After the employee has served the required transitional period, submits CS-129 form requesting removal of the transitional designation.</li> <li>Certifies on CS-129 form that the conditions outlined in this regulation are met.</li> </ol>  |
| Department of Civil Service | <ol style="list-style-type: none"> <li>Reviews request and assigns an effective STP release date.</li> <li>Enters necessary position information in the HRMN.</li> <li>Releases approval action to appointing authority. If request is disapproved, informs appointing authority of revised STP release date and notifies employee of appeal rights.</li> </ol> |

## **CONTACT**

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-373-3048 or 1-800-788-1766; or by e-mail to [MDCS-BHRS@michigan.gov](mailto:MDCS-BHRS@michigan.gov).

**NOTE:** Regulations are issued by the State Personnel Director, under authority granted in the *State of Michigan Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.